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Claims 1-17 are pending in the subject application. Claim 1 has been amended to recite a liquid impermeable barrier covering a portion of said retractable device. Support for this amendment is found throughout the specification, particular attention is drawn to FIGs 2B, 2C, 4C and 6B and the written description of such drawings, which demonstrate liquid permeable barriers. Claims 7, 9 and 13 have been cancelled as being redundant in view of the amendments to claim 1. Upon entry of the foregoing amendments, claims 1-6, 8, 10-12 and 14-17 will be before the Examiner for consideration.

Claims 1 and 2 are rejected under 35 USC § 102(b) as being anticipated by the Gaskell reference. Applicant asserts that the amendment to claim 1 obviates this rejection. Gaskell does not teach a liquid permeable barrier. Thus, Gaskell does not qualify as an anticipatory reference. Reconsideration of this 35 USC § 102(b) rejection is respectfully requested.

Claim 14 is rejected under 35 USC § 102(b) as being anticipated by Wallach. Applicant respectfully traverses. The office action points to item 14 of Fig. 1 of the Wallach patent for the proposition that Wallach teaches a lumen. There is no teaching in the Wallach patent that item 14 is a lumen. In contrast, item 14 is just a handle that acts to push the brush component of the Wallach sampling device in and out of an annular insertion shield (see col. 4, line 65 – col. 5, line 14; col. 6, line 12-36). No fluids flow through item 14. Wallach does not teach all of the elements of claim 14 and therefore does not anticipate claim 14. Reconsideration of this 35 USC § 102(b) is requested.

Claim 3 is rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Gillick. Applicant asserts that the amendments to claim 1, which are incorporated into claim 3 as a dependent claim, obviate this rejection. The Gillick et al. patent does not cure the deficiencies of the primary Gaskell reference, i.e., it does not teach a liquid permeable barrier as that recited in claim 1. Other bases for distinguishing the Gillick patent exist but are not raised herein since being unnecessary to overcome obviousness.

Thus, alone, or in combination, the Gaskell and Gillick patents do not render claim 3 obvious. Applicant respectfully requests reconsideration.

Claim 4 is rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Arai et al. Applicant asserts that the amendments to claim 1, which are incorporated into claim 4 as a dependent claim, obviate this rejection. As noted previously, Gaskell does not teach a liquid impermeable barrier as recited in claim 1. The Arai reference does not overcome the deficiencies of Gaskell reference. Other bases for distinguishing the Arai patent exist but are not raised herein since being unnecessary to overcome obviousness. Thus, alone, or in combination, the Gaskell and Arai patents do not render claim 4 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claims 5 and 6 are rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Dormia. Applicant asserts that the amendments to claim 1, which are incorporated into claims 5 and 6 as a dependent claims, obviate this rejection. As noted previously, Gaskell does not teach a liquid impermeable barrier as recited in claim 1. The Dormia reference does not overcome the deficiencies of Gaskell reference. Other bases for distinguishing the Dormia patent exist but are not raised herein since being unnecessary to overcome obviousness. Thus, alone, or in combination, the Gaskell and Arai patents do not render claims 5 and 6 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claim 7 is rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Zalucki. Though claim 7 has been cancelled Applicant addresses why Zalucki does not teach a liquid impermeable layer as now recited in claim 1. The office action cites to column 1, lines 64-67 of the Zalucki patent to support the allegation that Zalucki discloses a liquid impermeable barrier. Applicant is confused by the reference because any reasonable interpretation of the noted passage cannot lead one to the conclusion that Zalucki teaches, suggests or ever contemplates a liquid impermeable layer, much less an impermeable layer as recited in claim 1. The Zalucki patent teaches a label for writing

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specific information about a patient from which a tissue sample was removed. Nowhere does the Zalucki patent teach the delivery of a fluid, nor is the fluid ever in contact with the label in the Zalucki device. Accordingly, it cannot be said that the Zalucki reference addresses any deficiencies of any of the other cited references, especially the Gaskell reference. The comments provided in this paragraph apply to claim 9 and 13 as well.

Claim 8 is rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Oslund et al. Applicant asserts that the amendments to claim 1, which are incorporated into claim 8 as a dependent claim, obviate this rejection. As noted previously, Gaskell does not teach a liquid impermeable barrier as recited in claim 1. The Oslund reference does not overcome the deficiencies of the Gaskell reference. Other bases for distinguishing the Oslund patent exist but are not raised herein since being unnecessary to overcome obviousness. Thus, alone, or in combination, the Gaskell and Oslund patents do not render claim 8 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claim 10 is rejected under 35 USC § 103(a) as being obvious over Gaskell and Oslund and in further in view of Pevoto. Applicant asserts that the amendments to claim 1, which are incorporated into claim 10 as a dependent claim, obviate this rejection. As noted previously, Gaskell and Oslund do not teach a liquid impermeable barrier as recited in claim 1. The Pevoto reference does not overcome the deficiencies of claim 1. Other bases for distinguishing the Arai patent exist but are not raised herein since being unnecessary to overcome obviousness. Thus, alone, or in combination, the Gaskell, Oslund and Pevoto patents do not render claim 10 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claims 11 and 12 are rejected under 35 USC § 103(a) as being obvious over Gaskell in view of Naimark. Applicant asserts that the amendments to claim 1, which are incorporated into claims 11 and 12 as a dependent claims, obviate this rejection. As noted previously, Gaskell does not teach a liquid impermeable barrier as recited in claim 1. The Naimark reference does not overcome the deficiencies of the Gaskell reference.

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Other bases for distinguishing the Naimark patent exist but are not raised herein since being unnecessary to overcome obviousness. Thus, alone, or in combination, the Gaskell and Naimark references do not render claims 111 and 12 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claim 15 is rejected under 35 USC § 103(a) as being obvious over Wallach in view of Wilson. Applicant respectfully traverses. As noted previously, Wallach does not teach a brush associated with a lumen. The Wilson reference does not overcome the deficiencies of the primary Wallach reference. Other bases for distinguishing the Wallach and Wilson references exist but are not raised herein since they are unnecessary to overcome obviousness. Thus, alone, or in combination, the Wallach and Wilson patents do not render claim 15 obvious. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claim 1 and 16 are rejected under 35 USC § 103(a) as being obvious over Ding in view of Gaskell. Applicant respectfully traverses. As noted previously, Gaskell does not teach a liquid impermeable barrier. Similarly, the Ding reference teaches no liquid impermeable barrier as claimed in claim 1. Thus, Ding and Gaskell do not render claim 1 obvious. Furthermore, neither Ding nor Gaskell teach a brush comprising a lumen as recited in claim 14. Thus, alone, or in combination, the Ding and Gaskell patents do not teach all of the limitations of independent claims 1 and 14, and those limitations incorporated into claim 16, nor teaches or suggests combining or modifying such references, as required for obviousness. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

Claim 17 is rejected under 35 USC § 103(a) as being obvious over Ding in view of Gaskell in further view of Spillert et al. Applicant respectfully traverses. The distinctions noted above between claim 1 and the Gaskell reference and claim 14 and the Ding reference are incorporated herein. The Spillert reference does not overcome the deficiencies of the primary Gaskell and Ding references. Applicant respectfully requests reconsideration of this 35 USC § 103(a) rejection.

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All issues of patentability hereby being addressed, Applicants assert that all pending claims are in a condition for allowance, and indication of this requested in the ensuing office action. Applicants invite the Examiner to call the undersigned if clarification is needed on any aspect of this response after entrance and consideration of the remarks presented herein.

Respectfully submitted,



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